

Executive Summary – Enforcement Matter – Case No. 48021
The Premcor Refining Group Inc.
RN102584026
Docket No. 2013-2180-AIR-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Valero Port Arthur Refinery, 1801 Gulfway Drive, Port Arthur, Jefferson County

Type of Operation:

Petroleum refinery

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, 2013-2300-AIR-E, 2013-0839-AIR-E, 2013-1862-AIR-E, 2014-0465-AIR-E and 2014-0630-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: May 23, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$30,500

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$15,250

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$15,250

Name of SEP: Southeast Texas Regional Planning Commission

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: September 17, 2013 and September 24, 2013

Date(s) of NOE(s): November 15, 2013

Executive Summary – Enforcement Matter – Case No. 48021
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Docket No. 2013-2180-AIR-E

Violation Information

1. Failed to prevent unauthorized emissions. Since this event could have been avoided by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit (“FOP”) No. O1498, Special Terms and Conditions (“STC”) No. 18, and New Source Review Permit (“NSRP”) Nos. 6825A, PSDTX49, and N65, Special Conditions (“SC”) No. 1].
2. Failed to prevent unauthorized emissions. Since this event could have been avoided by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O1498, STC No. 18, and NSRP Nos. 6825A, PSDTX49, and N65, SC No. 1].
3. Failed to prevent unauthorized emissions. Since this event could have been avoided by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O1498, STC No. 18, and NSRP Nos. 6825A, PSDTX49, and N65, SC No. 1].
4. Failed to report an emissions event within 24 hours of discovery [30 TEX. ADMIN. CODE § 101.201(a)(1) and TEX. HEALTH & SAFETY CODE § 385.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

1. The Order will require the Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)
2. The Order will also require the Respondent to:
 - a. Within 30 days:
 - i. Implement measures designed to ensure that emissions events are timely reported;
 - ii. Implement measures and/or procedures designed to prevent recurrences of emissions events due to similar causes as Incident Nos. 184060, 185219, and 185192; and

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b. Within 45 days, submit written certification to demonstrate compliance with Ordering Provision a.

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Rajesh Acharya, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-0577; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456
TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565
Respondent: J. Greg Gentry, Vice President and General Manager, The Premcor Refining Group Inc., P.O. Box 909, Port Arthur, Texas 77641-0909
Respondent's Attorney: N/A

Attachment A
Docket Number: 2013-2180-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	The Premcor Refining Group Inc.
Penalty Amount:	Thirty Thousand Five Hundred Dollars (\$30,500)
SEP Offset Amount:	Fifteen Thousand Two Hundred Fifty Dollars (\$15,250)
Type of SEP:	Contribution to a Third-Party Administrator SEP
Third-Party Administrator:	Southeast Texas Regional Planning Commission
Project Name:	<i>West Port Arthur Home Energy Efficiency Program - Lighthouse Program</i>
Location of SEP:	Jefferson County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Southeast Texas Regional Planning Commission** for the *West Port Arthur Home Energy Efficiency Program - Lighthouse Program* Project. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to hire a contractor to conduct initial inspections of eligible applicants' homes. The inspections will determine whether the home is in a condition suitable for weatherization and energy efficiency upgrades. Upgrades will not be completed at homes that need new roofs or significant foundation work. The contractor shall also determine what weatherization and energy efficiency upgrades are necessary and appropriate for the home and write a work plan. This contractor shall also conduct the final inspection of the home after the work is completed.

The Third-Party Administrator will conduct eligibility determinations to verify that participants own their homes and qualify as low-income. The Third-Party Administrator will also prepare all contracts with contractors and homeowners; coordinate between the contractors and the homeowners to answer questions; ensure that work is done timely

The Premcor Refining Group Inc.
Agreed Order - Attachment A

and properly; and arrange for any necessary repairs to new equipment under the 12-month warranty period after work is completed. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

Implementation of this Project will benefit air by reducing residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter, volatile organic compounds, and the nitrogen oxides associated with the combustion of fuel and the generation of electricity. Past energy audits have shown a 12-30% reduction in energy usages after completion of the weatherization and energy upgrades.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Southeast Texas Regional Planning Commission SEP** and shall mail the contribution with a copy of the Agreed Order to:

Southeast Texas Regional Planning Commission
Attention: Pamela Lewis, Program Manager
2210 Eastex Freeway
Beaumont, Texas 77703

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality;" and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES

Assigned

18-Nov-2013

PCW

11-Dec-2013

Screening

11-Dec-2013

EPA Due

12-Aug-2014

RESPONDENT/FACILITY INFORMATION

Respondent The Premcor Refining Group Inc.

Reg. Ent. Ref. No. RN102584026

Facility/Site Region 10-Beaumont

Major/Minor Source Major

CASE INFORMATION

Enf./Case ID No. 48021

Docket No. 2013-2180-AIR-E

Media Program(s) Air

Multi-Media

No. of Violations 4

Order Type Findings

Government/Non-Profit No

Enf. Coordinator Rajesh Acharya

EC's Team Enforcement Team 4

Admin. Penalty \$ Limit Minimum \$0

Maximum

\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$15,250

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History

100.0% Enhancement

Subtotals 2, 3, & 7 \$15,250

Notes

Enhancement for five NOV's with same/similar violations, seven orders with denial of liability, three orders without denial of liability, and one court order with denial of liability. Reduction for seven Notices of Audit, three Disclosures of Violations, and one Environmental Management System.

Culpability

No

0.0% Enhancement

Subtotal 4 \$0

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments

Subtotal 5 \$0

Economic Benefit

0.0% Enhancement*

Subtotal 6 \$0

Total EB Amounts \$851
Approx. Cost of Compliance \$16,500

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7

Final Subtotal \$30,500

OTHER FACTORS AS JUSTICE MAY REQUIRE

0.0%

Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$30,500

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$30,500

DEFERRAL

0.0%

Reduction

Adjustment \$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY

\$30,500

Screening Date 11-Dec-2013

Docket No. 2013-2180-AIR-E

PCW

Respondent The Premcor Refining Group Inc.

Policy Revision 3 (September 2011)

Case ID No. 48021

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102584026

Media [Statute] Air

Enf. Coordinator Rajesh Acharya

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	5	25%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	7	140%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	3	75%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	1	30%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	7	-7%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	3	-6%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	Yes	-10%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 247%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for five NOVs with same/similar violations, seven orders with denial of liability, three orders without denial of liability, and one court order with denial of liability. Reduction for seven Notices of Audit, three Disclosures of Violations, and one Environmental Management System.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 247%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 11-Dec-2013

Docket No. 2013-2180-AIR-E

PCW

Respondent The Premcor Refining Group Inc.

Policy Revision 3 (September 2011)

Case ID No. 48021

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102584026

Media [Statute] Air

Enf. Coordinator Rajesh Acharya

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), Federal Operating Permit ("FOP") No. 01498, Special Terms and Conditions ("STC") No. 18, and New Source Review Permit ("NSRP") Nos. 6825A, PSDTX49, and N65, Special Conditions ("SC") No. 1

Violation Description

Failed to prevent unauthorized emissions. Specifically, 10,729.97 pounds ("lbs") of unauthorized volatile organic compounds ("VOC") were released from Tank 926 during an avoidable emissions event (Incident No. 184060) that began on June 12, 2013 and lasted 143 hours and 18 minutes. The event occurred due to the misrepresentation of the over flow level on the tank which led to the operator overfilling Tank 926. This caused damage to the tank's internal floating roof and the subsequent spill of 59 square barrels of sour naphtha into the tank's earthen secondary containment. Since this event could have been avoided by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 30.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1

6 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	X
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$136

Violation Final Penalty Total \$15,000

This violation Final Assessed Penalty (adjusted for limits) \$15,000

Economic Benefit Worksheet

Respondent The Premcor Refining Group Inc.

Case ID No. 48021

Reg. Ent. Reference No. RN102584026

Media Air

Violation No. 1

Percent Interest 5.0
Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount
Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,500	12-Jun-2013	13-Jul-2014	1.08	\$136	n/a	\$136

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures to prevent recurrence of emissions events. Date Required is the date the emissions event began. Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500

TOTAL

\$136

Screening Date 11-Dec-2013

Docket No. 2013-2180-AIR-E

PCW

Respondent The Premcor Refining Group Inc.

Policy Revision 3 (September 2011)

Case ID No. 48021

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102584026

Media [Statute] Air

Enf. Coordinator Rajesh Acharya

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), FOP No. O1498, STC No. 18, and NSRP Nos. 6825A, PSDTX49, and N65, SC No. 1

Violation Description

Failed to prevent unauthorized emissions. Specifically, 6,071.67 lbs of unauthorized carbon monoxide ("CO") were released from the Wet Gas Scrubber ("WGS"), Emissions Point Number E-01-WGS, during an avoidable emissions event (Incident No. 185219) that began on July 7, 2013 and lasted 16 hours. The event occurred during the start-up at the Fluidized Catalytic Cracking Unit ("FCCU") Regenerator, while adding torch oil to raise the regenerator bed temperature. Due to the extended use of torch oil and the failure to complete the required pre-startup steps, CO emissions limits were exceeded on the WGS. Since this event could have been avoided by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$127

Violation Final Penalty Total \$7,500

This violation Final Assessed Penalty (adjusted for limits) \$7,500

Economic Benefit Worksheet

Respondent The Premcor Refining Group Inc.

Case ID No. 48021

Reg. Ent. Reference No. RN102584026

Media Air

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,500	7-Jul-2013	13-Jul-2014	1.02	\$127	n/a	\$127

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures to prevent recurrence of emissions events. Date Required is the date of the emissions event. Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500

TOTAL

\$127

Screening Date 11-Dec-2013

Docket No. 2013-2180-AIR-E

PCW

Respondent The Premcor Refining Group Inc.

Policy Revision 3 (September 2011)

Case ID No. 48021

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102584026

Media [Statute] Air

Enf. Coordinator Rajesh Acharya

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), FOP No. O1498, STC No. 18, and NSRP Nos. 6825A, PSDTX49, and N65, SC No. 1

Violation Description

Failed to prevent unauthorized emissions. Specifically, 321.5 lbs of unauthorized CO, 6.19 lbs of hydrogen sulfide, 8.45 lbs of nitrogen oxides, 1.70 lbs of particulate matter, 560.80 lbs of sulfur dioxide, and 1.23 lbs of VOC were released from the Shell Claus Off-Gas Treating Unit 1 and 2 Tail Gas Incinerators, during an emissions event (Incident No. 185192) that began on July 7, 2013 and lasted 7 hours. The event occurred due to the upset of the FCCU which inadvertently sent hydrocarbons to Sulfur Recovery Units 543 and 544. Since this event could have been avoided by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 1 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$508

Violation Final Penalty Total \$7,500

This violation Final Assessed Penalty (adjusted for limits) \$7,500

Economic Benefit Worksheet

Respondent The Premcor Refining Group Inc.

Case ID No. 48021

Reg. Ent. Reference No. RN102584026

Media Air

Violation No. 3

Percent Interest 5.0
Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount
Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	7-Jul-2013	13-Jul-2014	1.02	\$508	n/a	\$508

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures to prevent recurrence of emissions events. Date Required is the date of the emissions events. Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$508

Screening Date 11-Dec-2013

Docket No. 2013-2180-AIR-E

PCW

Respondent The Premcor Refining Group Inc.

Policy Revision 3 (September 2011)

Case ID No. 48021

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102584026

Media [Statute] Air

Enf. Coordinator Rajesh Acharya

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 101.201(a)(1) and Tex. Health & Safety Code § 385.085(b)

Violation Description

Failed to report an emissions event within 24 hours of discovery. Specifically, Incident No. 185219 was discovered on July 7, 2013, at 4:00 a.m., and was not reported until July 8, 2013 at 2:19 p.m.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

	Major	Moderate	Minor
Falsification			x

Percent 1.0%

Matrix Notes

The Respondent failed to comply with less than 30% of the rule requirement.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$80

Violation Final Penalty Total \$500

This violation Final Assessed Penalty (adjusted for limits) \$500

Economic Benefit Worksheet

Respondent The Premcor Refining Group Inc.

Case ID No. 48021

Reg. Ent. Reference No. RN102584026

Media Air

Violation No. 4

Percent Interest 5.0 **Years of Depreciation** 15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,500	8-Jul-2013	1-Aug-2014	1.07	\$80	n/a	\$80
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost for the implementation of new plant procedures concerning emissions event reporting requirements. Date Required is the date the report was due. Final Date is the date corrective actions are expected to be completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$80



TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN601420748, RN102584026, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator:	CN601420748, The Premcor Refining Group Inc.	Classification: SATISFACTORY	Rating: 41.48
Regulated Entity:	RN102584026, VALERO PORT ARTHUR REFINERY	Classification: SATISFACTORY	Rating: 55.00
Complexity Points:	30	Repeat Violator:	NO
CH Group:	02 - Oil and Petroleum Refineries		
Location:	1801 GULFWAY DR PORT ARTHUR, TX 77640-4416, JEFFERSON COUNTY		
TCEQ Region:	REGION 10 - BEAUMONT		

ID Number(s):

AIR OPERATING PERMITS PERMIT 3423
AIR OPERATING PERMITS PERMIT 1498
AIR OPERATING PERMITS PERMIT 2228
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD008090409
INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50350
AIR NEW SOURCE PERMITS PERMIT 6825A
AIR NEW SOURCE PERMITS REGISTRATION 12553A
AIR NEW SOURCE PERMITS REGISTRATION 13698A
AIR NEW SOURCE PERMITS ACCOUNT NUMBER JE0042B
AIR NEW SOURCE PERMITS EPA PERMIT N65
AIR NEW SOURCE PERMITS REGISTRATION 84929
AIR NEW SOURCE PERMITS PERMIT 86757
AIR NEW SOURCE PERMITS REGISTRATION 91727
AIR NEW SOURCE PERMITS REGISTRATION 94365
AIR NEW SOURCE PERMITS REGISTRATION 103875
AIR NEW SOURCE PERMITS REGISTRATION 114269
AIR NEW SOURCE PERMITS REGISTRATION 114829

AIR EMISSIONS INVENTORY ACCOUNT NUMBER JE0042B

AIR OPERATING PERMITS ACCOUNT NUMBER JE0042B
AIR OPERATING PERMITS PERMIT 2227
AIR OPERATING PERMITS PERMIT 2229
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 30004
AIR NEW SOURCE PERMITS REGISTRATION 17038
AIR NEW SOURCE PERMITS REGISTRATION 12454A
AIR NEW SOURCE PERMITS REGISTRATION 13635A
AIR NEW SOURCE PERMITS REGISTRATION 28778
AIR NEW SOURCE PERMITS AFS NUM 4824500004
AIR NEW SOURCE PERMITS PERMIT 80812
AIR NEW SOURCE PERMITS REGISTRATION 84905
AIR NEW SOURCE PERMITS REGISTRATION 87917
AIR NEW SOURCE PERMITS REGISTRATION 91911
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX49M1
AIR NEW SOURCE PERMITS REGISTRATION 112591
AIR NEW SOURCE PERMITS REGISTRATION 109221
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR) 30004
POLLUTION PREVENTION PLANNING ID NUMBER P00987

Compliance History Period: September 01, 2008 to August 31, 2013 **Rating Year:** 2013 **Rating Date:** 09/01/2013

Date Compliance History Report Prepared: December 03, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: December 03, 2008 to December 03, 2013

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Rajesh Acharya

Phone: (512) 239-0577

Site and Owner/Operator History:

- | | |
|--|-----|
| 1) Has the site been in existence and/or operation for the full five year compliance period? | YES |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO |
| 3) If YES for #2, who is the current owner/operator? | N/A |
| 4) If YES for #2, who was/were the prior owner(s)/operator(s)? | N/A |
| 5) If YES , when did the change(s) in owner or operator occur? | N/A |

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

1 Effective Date: 12/04/2008 ADMINORDER 2008-0435-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)
30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:2.F OP

Description: Failed to report an emissions event within 24 hours of discovery.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:6825A/PSD-TX-49, SC 5A PERMIT

O-01498, GENERAL CONDITIONS OP
STC 18 OP

Description: Failed to maintain the Flare 22 [Emission Point No. ("EPN") F-22-Flare] emission rates below the allowable emission limits.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:6825A/PSD-TX-49, SC 5A PERMIT

O-01498, GENERAL CONDITIONS OP
O-01498, STC 18 OP
O-02229, GENERAL CONDITIONS OP
O-02229, STC15 OP

Description: Failed to maintain emission rates below the allowable emission limits for Flare 103B (EPN F-103-Flare, Tank 151 (EPN T-151), and Flare 23 (EPN E-23-Flare).

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.211(c)
5C THSC Chapter 382 382.085(b)

Description: Failed to timely report a shutdown that occurred at the Gulfining Unit (EPN GFU-244) that started on October 5, 2007, at 6:00 a.m., and ended October 10, 2007, at 12:00 a.m.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:6825A / PSD-TX-49, Special Condition 5A PERMIT

O-01498, General Terms and Conditions OP
O-01498, STC No.18 OP

Description: Failed to maintain Flare 19 (EPN E-19-Flare) emission rates below the allowable emission limits.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:6825A / PSD-TX-49, Special Condition 5A PERMIT

O-01498, General Terms and Conditions OP
O-01498, STC No. 18 OP

Description: Failed to maintain emission rates below the allowable emission limits at the SCOT-1 Tail Gas Incinerator (EPN

E-01-SCOT).
Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
Classification: Moderate
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:6825A / PSD-TX-49, Special Condition 5A PERMIT
O-01498, General Terms and Conditions OP
O-01498, STC No. 18 OP

Description: Failed to maintain the Flare 23 (EPN F-23-Flare] emission rates below the allowable emission limits.

2 Effective Date: 01/30/2009 ADMINORDER 2007-1455-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(F)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov:O-01498, General Terms and Conditions OP
Description: Failure to properly report an emissions event.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov:6825A/PSD-TX-49, Special Condition 5A PERMIT
O-01498, General Terms and Conditions OP
O-01498, Special Condition 18A OP

Description: Failure to prevent unauthorized emissions.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov:7600A, Special Condition 1 PERMIT
O-01498, General Terms and Conditions OP
O-01498, Special Condition 18A OP
Description: Failure to properly operate Tank 283 and Tank 284.

3 Effective Date: 02/22/2009 ADMINORDER 2008-0742-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.211(b)
5C THSC Chapter 382 382.085(b)
Description: Failure to submit a final report in a timely manner.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:6825A/PSD-TX-49, SPECIAL CONDITION 5A PERMIT
O-01498, SPECIAL CONDITION 18 OP

Description: Failure to maintain an emission rate below the allowable emission limit.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:6825A / PSD-TX-49, Special Condition 5A PERMIT

O-01498, General Terms and Conditions OP

Description: Failure to maintain emission rates below the allowable emission limits.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)
5C THSC Chapter 382 382.085(b)

Description: Failure to properly report an emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 111, SubChapter A 111.111(a)(4)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:6825A/PSD-TX-49, Special Condition 5A PERMIT

O-01498, General Terms and Conditions OP

Description: Failure to maintain emission rates below the allowable emission limits

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:6825A/PSD-TX-49, Special Condition 5A PERMIT

O-01498, General Terms and Conditions OP

Description: Failure to maintain an emission rate below the allowable emission limit.

4 Effective Date: 06/01/2009 ADMINORDER 2008-1043-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:6825A/PSD-TX-49, SC 5A PERMIT

O-01498, GENERAL CONDITIONS OP

Description: Failed to prevent the release of unauthorized contaminants into the atmosphere.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:6825A/PSD-TX-49, SC 5A PERMIT

O-01498, GENERAL CONDITIONS OP

Description: Failed to prevent the release of unauthorized contaminants into the atmosphere.

5 Effective Date: 08/31/2009 ADMINORDER 2009-0151-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:6825A/PSD-TX-49, SC 5A PERMIT

O-01498, GENERAL CONDITIONS OP

Description: Failed to prevent unauthorized emissions during Incident No. 108928.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)
Rqmt Prov:6825A/PSD-TX-49, SC 5A PERMIT
O-01498, GENERAL CONDITIONS OP
Description: Failed to prevent unauthorized emissions during Incident No. 111065.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:6825A/PSD-TX-49, SC 5A PERMIT
O-01498, GENERAL CONDITIONS OP
Description: Failed to prevent unauthorized emissions during Incident No. 113023.

6 Effective Date: 09/23/2009 COURTORDER (Final Judgement-Agreed Order With Denial)
Classification: Moderate
Citation: 5C THSC Chapter 382 382.085
Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation conducted at the Port Arthur, Texas refinery on or about April 4, 2003, referred to as investigation no. 28570. The investigation describes the violations in narrative form and identifies the violations by tracking numbers 44442, 44448, 44454, 44459, 44462, 44472, 44477, 44496, 44498, 44512, 44517, 44519, 44532, 44535, 44550, 44557
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to maintain emission rate below allowable limit.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to maintain emission rate below allowable limit.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to maintain emission rate below allowable limit.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to maintain emission rate below allowable limit.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to maintain emission rate below allowable limit.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov:Flexible Permit 6825A, SC 5B PERMIT
PSD-TX-49, SC 5B PERMIT
Description: Failure to maintain emission rate below allowable limit.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov:Standard Exemption No. 88 PA
Description: Failure to satisfy the condition of a standard exemption.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov:Standard Exemption 88 PA
Description: Failure to meet the conditions of a standard exemption.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to maintain emission rate below allowable limit.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov:Flexible Permit 6825A, SC 5B PERMIT
PSD-TX-49, SC 5B PERMIT

Description: Failure to maintain emission rate below allowable limit.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Standard Exemption 88 PA
Description: Failure to meet the conditions of a standard exemption.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Flexible Permit 6825A, SC 5B PERMIT
PSD-TX-49, SC 5B PERMIT

Description: Failure to maintain emission rate below allowable limit.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to maintain emission rate below allowable limit.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Standard Exemption 88 PA
Description: Failure to meet the conditions of a standard exemption.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to maintain emission rate below allowable limit.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:5215A, SC1 PERMIT
Description: Failure to maintain emission rate below allowable limit.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Flexible Permit 6825A, SC 5B PERMIT
PSD-TX-49, SC 5B PERMIT

Description: Failure to maintain emission rate below allowable limit.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Flexible Permit 6825A, SC19 PERMIT
PSD-TX-49, SC 19 PERMIT

Description: Failure to comply with requirements of a permit.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Flexible Permit, 6825A SC 5B PERMIT

PSD-TX-49, SC5B PERMIT

Description: Failure to maintain emission rate below allowable limit.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Flexible permit 6825A, SC 5B PERMIT

PSD-TX-49, SC 5B PERMIT

Description: Failure to maintain emission rate below allowable limit.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Flexible Permit 6825A, SC 5B PERMIT

PSD-TX-49, SC 5B PERMIT

Description: Failure to maintain emission rate below allowable limit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Standard Exemption No. 88 PA

Description: Failure to satisfy the condition of a standard exemption.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Standard Exemption No. 88 PA

Description: Failure to meet the conditions of a standard exemption.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Flexible Permit 6825A, SC 5B PERMIT

PSD-TX-49, SC 5B PERMIT

Description: Failure to maintain emission rate below allowable limit.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.110(a)(4)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Flexible Permit 6825A, SC 5B PERMIT

PSD-TX-49, SC 5 PERMIT

Standard Exemption No. 88 PA

Description: Failure to maintain emission rate below allowable limit and meet the conditions of a standard exemption.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to maintain emission rate below allowable limit.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: Failure to prevent unauthorized emissions.

Classification: Moderate

Citation:

30 TAC Chapter 101, SubChapter A 101.20(3)

Classification: Moderate

30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to maintain emission rate below allowable limit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(c)(7)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to maintain emission rate below allowable limit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to maintain emission rate below allowable limit.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to report an upset within 24 hours of the event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)

30 TAC Chapter 101, SubChapter F 101.201(b)(4)

30 TAC Chapter 101, SubChapter F 101.201(b)(8)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report all information required for emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(G)

30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)

30 TAC Chapter 101, SubChapter F 101.201(b)(4)

30 TAC Chapter 101, SubChapter F 101.201(b)(8)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report all information required for emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)

30 TAC Chapter 101, SubChapter F 101.201(b)(4)

30 TAC Chapter 101, SubChapter F 101.201(b)(8)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report all information required for emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)

30 TAC Chapter 101, SubChapter F 101.201(b)(4)

30 TAC Chapter 101, SubChapter F 101.201(b)(8)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report all information required for emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)

30 TAC Chapter 101, SubChapter F 101.201(b)(4)

30 TAC Chapter 101, SubChapter F 101.201(b)(8)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report all information required for emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)

30 TAC Chapter 101, SubChapter F 101.201(b)(4)

30 TAC Chapter 101, SubChapter F 101.201(b)(8)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report all information required for emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)

30 TAC Chapter 101, SubChapter F 101.201(b)(4)

30 TAC Chapter 101, SubChapter F 101.201(b)(8)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report all information required for emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)

30 TAC Chapter 101, SubChapter F 101.201(b)(4)

30 TAC Chapter 101, SubChapter F 101.201(b)(8)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report all information required for emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)

30 TAC Chapter 101, SubChapter F 101.201(b)(4)

30 TAC Chapter 101, SubChapter F 101.201(b)(8)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report all information required for an emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report all information required for an emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)

30 TAC Chapter 101, SubChapter F 101.201(b)(4)

30 TAC Chapter 101, SubChapter F 101.201(b)(8)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report all information required for an emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)

30 TAC Chapter 101, SubChapter F 101.201(b)(4)

30 TAC Chapter 101, SubChapter F 101.201(b)(8)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report all information required for an emissions event.

Failure to report all information required for emissions event.

Failure to report all information required for emissions event.

Failure to report all information required for emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)

30 TAC Chapter 101, SubChapter F 101.201(b)(4)

30 TAC Chapter 101, SubChapter F 101.201(b)(8)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report all information required for an emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(4)

30 TAC Chapter 101, SubChapter F 101.201(b)(8)

Description: Failure to report all information required for an emissions event.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation conducted at the Port Arthur, Texas refinery on or about August 12, 1998. By an August 31, 1998 letter to the Defendants, The TCEQ listed the violations observed during the investigation. A copy of the August 12, 1998 investigation, without attachments, is attached as Appendix A and incorporated herein for all purposes

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation conducted at the Port Arthur, Texas refinery on or about March 12, 1999. By a March 22, 1999 letter to the Defendants, the TCEQ listed the violations observed during the investigation. A copy of the March 22, 1999, letter to the Defendants is attached as Appendix C and incorporated herein for all purposes.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation conducted at the Port Arthur, Texas refinery on or about June 17, 1999. The TCEQ describes the violation observed during the investigation in a July 9, 1999, Enforcement Action Referral. A copy of the July 9, 1999, Enforcement Action Referral, without attachments, is attached as Appendix D and incorporated herein for all purposes.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in investigations conducted at the Port Arthur, Texas refinery on or about June 14, 1999 and August 4, 1999. By June 30, 1999 and August 24, 1999, letters to the Defendants, the TCEQ listed the violations observed during the two investigations. A copy of the June 14, 1999 investigation, without attachments, is attached as Appendix E and incorporated

Classification: Minor

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:SC39A PERMIT

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation conducted at the Port Arthur, Texas refinery on or about July 20, 2000. By a September 7, 2000, letter to the Defendants, the TCEQ listed the violations observed during the investigation. A copy of the July 20, 2000 investigation, without attachments, is attached as Appendix I and incorporated herein for all purposes

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:NA PERMIT

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in investigations conducted at the Port Arthur, Texas refinery on or about November 3, 2000, and March 26, 2001. By April 21, 2001 letter to the Defendants, the TCEQ listed the violations observed during the investigation. A copy of the November 3, 2000 investigation, without attachments, is attached as Appendix K and incorporated herein for all purposes

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation conducted at the Port Arthur, Texas refinery on or about April 3, 2001. By April 24, 2001 letter to the Defendants, the TCEQ listed the violation observed during the investigation. A copy of the April 3, 2001 investigation, without attachments, is attached as Appendix N and incorporated herein for all purposes

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation conducted at the Port Arthur, Texas refinery on or about November 12, 2003, referred to as investigation no. 258663. The investigation describes the violation in narrative form and identifies the violation by tracking number 150854 in the investigation. A copy of investigation no. 258663, without attachments

Classification: Minor

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation conducted at the Port Arthur, Texas refinery on or about April 20, 2004 referred to as investigation no. 270296. The investigation describes the violations in narrative form and identifies the violations by tracking numbers 161061 and 161062 in the investigation. A copy of investigation no. 270296, without attachments

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 116, SubChapter G 116.715(c)(7)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Permit 6825A Special Condition 5B PA

PSD-TX-49 Special Condition 5B PA

Description: Failure to prevent unauthorized emissions release at the facility.

Classification: Minor

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation conducted at the Port Arthur, Texas refinery on or about January 20, 2005, referred to as investigation no. 276009. The investigation describes the violations in narrative form and

identifies the violations by tracking numbers 188937, 188938, 188940, 188941, 188942, 188943, 188944, 188945, 188946, 188947, 188948, 188949, 188950, and . . .

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:6825A/PSD-TX-49, SC 25A PERMIT

Description: Failure to prevent visible emissions at the Atmospheric Vacuum Unit (AVU)-146 H-101 Heater.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:6825A/PSD-TX-49, SC 5A PERMIT

Description: Failure to maintain an emission rate below the emission cap's hourly contribution limit.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(G)
30 TAC Chapter 101, SubChapter F 101.201(b)(7)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to properly notify the regional office of a reportable emissions event, which began on April 14, 2004 (STEERS Incident 37961).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to properly identify authorized emissions limits for an emissions event, which began on April 14, 2004 (STEERS Incident 37961).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:6825A/PSD-TX-49, SC 5A PERMIT

Description: Failure to maintain an emission rate below the emission cap limits.

Failure to maintain an emission rate below the emission cap limits.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D)
30 TAC Chapter 101, SubChapter F 101.201(b)(4)
30 TAC Chapter 101, SubChapter F 101.201(b)(7)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to properly notify the regional office of a reportable emissions event, which began on April 14, 2004 (STEERS Incident 37962).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to properly identify authorized emissions limits for an emissions event, which began on April 14, 2004 (STEERS Incident 37962).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:6825A/PSD-TX-49, SC 5A PERMIT

Description: Failure to maintain an emission rate below the emission cap limits.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to properly notify the regional office of a reportable emissions event, which began on April 14, 2004 (STEERS Incident 38022).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to properly identify authorized emissions limits for an emissions event, which began on April 14, 2004 (STEERS Incident 38022).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:6825A/PSD-TX-49, SC 5A PERMIT

Description: Failure to maintain an emission rate below the emission cap limits.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to properly notify the regional office of a reportable emissions event, which began on April 14, 2004 (STEERS Incident 38026).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:6825A/PSD-TX-49, SC 5A PERMIT

Description: Failure to maintain an emission rate below the emission cap's hourly contribution limit.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation conducted at the Port Arthur, Texas refinery on or about January 24, 2005, referred to as investigation no. 346253. The investigation describes the violations in narrative form and identifies the violations by tracking numbers 190534, 190543, 190551, and 190558 in the investigation. A copy of investigation no. 346253, without attachments . . .

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Permit 6825A, PSD-TX-49, SC 5A PA

Description: Failure to prevent unauthorized emissions from the Atmospheric Vacuum Unit (AVU) 146 during incident No. 32824.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report an emission event (Incident No. 33539) within 24 hours

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Permit 6825A, PSD-TX-49, SC 17C PA

Permit 6825A, PSD-TX-49, SC 5A PA

Description: Failure to prevent unauthorized emissions from the Scot 1 Incinerator during incident No. 33539 and failure to continuously monitor from hydrocarbon layer thickness by electronic gauge.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation conducted at the Port Arthur, Texas refinery on or about April 8, 2005, referred to as investigation no. 348169. The investigation describes the violations in narrative form and identifies the violation by tracking numbers 208879 in the investigation. A copy of investigation no. 348169, without attachments, is attached as Appendix U . . .

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation the Port Arthur, Texas refinery on or about June 30, 2005, referred to as investigation no. 396901. The investigation describes the violations in narrative form and identifies the

violations by tracking numbers 210570 and 210577 in the investigation. A copy of investigation no. 396901, without attachments, is attached as Appendix V

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:6825A/PSD-TX-49 PERMIT

Description: Failure to prevent unauthorized emissions during Incident Nos. 40540, 40543, 51468, and 53830.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation the Port Arthur, Texas refinery on or about July 27, 2005, referred

to as investigation no. 402102. The investigation describes the violations in narrative form and identifies the violations by tracking numbers 212393 and 212460 in the investigation. A copy of investigation no. 402102, without attachments, is attached as Appendix X and incorpo

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:6825A/PSD-TX-49 PERMIT

Description: Failure to prevent unauthorized emissions during Incident Nos. 51075, 51078, 51081, 51084, and 51087.

Classification: Minor

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation the Port Arthur, Texas refinery on or about July 26, 2005, referred to as investigation no. 403310. The investigation describes the violations in narrative form and identifies the violations by tracking numbers 213083, 213088, and 213090 in the investigation. A copy of investigation no. 403310, without attachments

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)
30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
30 TAC Chapter 101, SubChapter F 101.211(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to submit an initial notification for an emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:6825A/PSD-TX-49, SC 5A PERMIT

Description: Failure to maintain an emission rate below the allowable emission limit.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation the Port Arthur, Texas refinery on or about August 8, 2005, referred to as investigation no. 337449. The investigation describes the violations in narrative form and identifies the violations by tracking numbers 214475 and 214478 in the investigation. A copy of investigation no. 337449, without attachments, is attached as Appendix Y

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(c)(9)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to maintain the CO 9 Boiler bypass valve to prevent unauthorized emissions during normal operation from April 2004 to the end of February 2005. B13

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation the Port Arthur, Texas refinery on or about August 29, 2005, referred to as investigation no. 418593. The investigation describes the violations in narrative form and identifies the violations by tracking number 218082 in the investigation. A copy of investigation no. 418593, without attachments, is attached as Appendix Z and

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:6825A/PSD-TX-49 PERMIT
O-01498 OP

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)

30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:6825A/PSD-TX-49, SC 5A PERMIT
O-01498, GENERAL CONDITIONS OP

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:6825A/PSD-TX-49, SC 5A PERMIT
O-01498, GENERAL CONDITIONS OP

Description: Failure to maintain an emission rate below the allowable emission limits.

8 Effective Date: 11/18/2011 ADMINORDER 2010-0909-MLM-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:FOP O1498, GTC OP
FOP O1498, STC 18 OP
NSR Permit 6825A, SC 1 PERMIT

Description: Failed to prevent unauthorized emissions at the Port Arthur Refinery.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)
30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:FOP O1498 OP
FOP O1498, GTC OP

Description: Failed to submit an initial report within 24 hours for Incident No. 134571 at the Port Arthur Refinery. Specifically, the incident occurred on January 15, 2010 at 5:51 p.m., but was not reported until January 18, 2010 at 9:20 a.m.

9 Effective Date: 02/18/2012 ADMINORDER 2011-1355-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:FOP O1498 STC 18 OP
FOP O1498, General Terms and Conditions OP
NSR Permit 6825A, SC 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.4(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:FOP 02228 OP
FOP 02228, STC 14 OP

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.4(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:FOP 02228, General Terms and Conditions OP
FOP 02228, STC 14 OP

Description: Failed to prevent unauthorized emissions.

See addendum for information regarding federal actions.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	February 18, 2009	(726815)
Item 2	March 03, 2009	(736950)
Item 3	March 05, 2009	(737300)
Item 4	March 20, 2009	(739247)
Item 5	April 02, 2009	(741291)
Item 6	June 29, 2009	(760309)
Item 7	August 26, 2009	(763057)
Item 8	August 28, 2009	(761367)
Item 9	August 31, 2009	(762200)
Item 10	October 07, 2009	(775036)
Item 11	October 13, 2009	(766946)
Item 12	October 14, 2009	(767494)
Item 13	November 06, 2009	(764488)
Item 14	December 09, 2009	(784945)
Item 15	December 11, 2009	(783903)
Item 16	December 21, 2009	(781035)
Item 17	December 23, 2009	(785403)
Item 18	January 29, 2010	(786198)
Item 19	February 01, 2010	(788081)
Item 20	March 19, 2010	(795261)
Item 21	May 06, 2010	(800545)
Item 22	May 24, 2010	(801617)
Item 23	June 01, 2010	(788840)
Item 24	June 02, 2010	(803054)
Item 25	June 07, 2010	(825637)
Item 26	June 11, 2010	(824255)
Item 27	August 02, 2010	(842714)
Item 28	November 15, 2010	(871779)
Item 29	November 30, 2010	(872652)
Item 30	April 15, 2011	(906545)
Item 31	October 25, 2011	(956400)
Item 32	October 29, 2011	(956377)
Item 33	November 02, 2011	(951193)
Item 34	November 29, 2011	(963859)
Item 35	January 17, 2012	(976419)
Item 36	February 17, 2012	(983674)

Item 51	April 30, 2013	(1086243)
Item 52	August 08, 2013	(1109778)
Item 53	August 17, 2013	(1113514)
Item 54	August 26, 2013	(1113154)
Item 55	August 27, 2013	(1115289)
Item 56	October 30, 2013	(1123618)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date:	12/05/2012	(1035896)	CN601420748
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1) 5C THSC Chapter 382 382.085(b) General Terms and Conditions OP Special Condition 1A OP		
	Description:	Failure to install a plug, cap, or blind on an open-ended line for the FOP O-02228 covering the reporting period of November 18, 2011, through May 20, 2012.		
2	Date:	05/09/2013	(1076957)	CN601420748
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) General Terms and Conditions OP Special Condition 14B PERMIT Special Condition 18 OP		
	Description:	Failure to sample the cooling water for total dissolved solids (TDS).		
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 113, SubChapter C 113.780 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1568(a)(1) 5C THSC Chapter 382 382.085(b) General Terms and Conditions OP Special Condition 18 OP Special Condition 1A OP Special Condition 3A PERMIT Special Condition 5B PERMIT		
	Description:	Failure to maintain the 12-hour average concentration of Sulfur Dioxide (SO2) at or below 250 ppmv as reported in the FOP O-2229 semi-annual deviation report for the reporting period of January 1, 2012, through December 31, 2012.		
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b)		

General Terms and Conditions OP
Special Condition 18 OP
Special Condition 25C PERMIT
Description: Failure to limit the refinery fuel gas to no more than 10 grains total sulfur per dry standard cubic feet (dscf) or 160 ppmv on a 1-hour rolling average as reported in the FOP O-2229 semi-annual deviation reports for the reporting periods of January 1, 2012, through June 30, 2012, and July 1, 2012, through December 31, 2012.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
5C THSC Chapter 382 382.085

General Terms and Conditions OP
Special Condition 18 OP
Special Condition 1A OP
Special Condition 46E PERMIT
Special Condition 5A PERMIT
Description: Failure to install a cap, blind flange, plug, or second valve on open-ended lines (OELs) as reported in the deviation reports for FOPs O-02229 covering the reporting periods of July 1, 2012, through December 31, 2012.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.354(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)
5C THSC Chapter 382 382.085(b)

General Terms and Conditions OP
Special Condition 18 OP
Special Condition 1A OP
Special Condition 46F PERMIT
Special Condition 5A PERMIT
Description: Failure to monitor a valve in VOC service as reported in the deviation reports for FOP O-02229 covering the reporting period of July 1, 2012, through December 31, 2012.

3 Date: 08/29/2013 (1104962) CN601420748

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 18 OP
Special Condition 42F PERMIT

Description: Failure to limit Continuous Emission Monitoring System (CEMS) downtime to less than 5% as reported in the Federal Operating Permit (FOP) O-01498 semi-annual deviation reports for the reporting periods of January 1, 2012, through June 30, 2012, and July 1, 2012, through December 31, 2012.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 18 OP
Special Condition 1A OP
Special Condition 6B PERMIT

Description: Failure to operate a flare with a flame present at all times and to continuously monitor the pilot flame by thermocouple or infrared monitor as reported in the FOP O-01498 semi-annual deviation reports for the reporting periods of January 1, 2012, through June 30, 2012, and July 1, 2012, through December 31, 2012.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 113, SubChapter C 113.340
 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
 5C THSC Chapter 382 382.085
 General Terms and Conditions OP
 Special Condition 18 OP
 Special Condition 46E PA
 Special Condition 5A PA
 Special Conditions 1A OP

Description: Failure to install a plug, cap, or blind on an open-ended line for the FOP O-01498 as reported in the FOP O-01498 semi-annual deviation report for the reporting period of January 1, 2012, through June 30, 2012, and July 1, 2012, through December 31, 2012.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 113, SubChapter C 113.100
 30 TAC Chapter 113, SubChapter C 113.340
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Condition 18 OP
 Special Condition 1A OP
 Special Condition 6A PERMIT

Description: Failure to maintain the net heating value of the flare gas above 300 British Thermal Units (BTU) per standard cubic feet (SCF) as reported as reported in the FOP O-01498 semi-annual deviation report for the reporting period of January 1, 2012, through June 30, 2012.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Condition 18 OP
 Special Condition 25C PERMIT

Description: Failure to limit the refinery fuel gas to no more than 10 grains total sulfur per dry standard cubic feet (dscf) or 160 ppmv on a 1-hour rolling average as reported in the FOP O-01498 semi-annual deviation reports for the reporting periods of January 1, 2012, through June 30, 2012, and July 1, 2012, through December 31, 2012.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 General Terms and Conditions OP
 Special Condition 18 OP
 Special Condition 23B PERMIT

Description: Failure to maintain the tail gas incinerator (TGI) Hydrogen Sulfide (H₂S) concentrations below 5.0 parts per million (ppm) at 3% Oxygen as reported in the FOP O-01498 semi-annual deviation report for the reporting period of January 1, 2012, through June 30, 2012.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Condition 18 OP
 Special Condition 3A PERMIT

Description: Failure to install, operate, calibrate, and maintain an instrument for continuously monitoring and recording the concentration of NO_x emissions into the atmosphere as reported in the FOP O-01498 semi-annual deviation report for the reporting period of July 1, 2012, through December 31, 2012.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 113, SubChapter C 113.780
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1568(a)(1)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Condition 18 OP
 Special Condition 5B PERMIT
 Description: Failure to limit the Sulfur Dioxide (SO₂) concentration at or below 250 ppmv at
 zero percent excess air as reported in the FOP O-01498 semi-annual deviation
 report for the reporting period of July 1, 2012, through December 31, 2012.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Part 60, Subpart J 60.103
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Condition 18 OP
 Special Condition 3A PERMIT
 Description: Failure to comply with the Carbon Monoxide (CO) emission standard of 500 ppm
 per 1-hour as reported in the FOP O-01498 semi-annual deviation report for the
 reporting period of July 1, 2012, through December 31, 2012.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Condition 18 OP
 Special Condition 24C PERMIT
 Description: Failure to maintain the NO_x emissions from the Hydrocracker Unit furnace as
 reported as reported in the FOP O-01498
 semi-annual deviation report for the reporting period of July 1, 2012, through
 December 31, 2012.

4 Date: 11/22/2013 (1124668) CN601420748
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(2)(i)(C)
 5C THSC Chapter 382 382.085(b)
 General Terms and Condition OP
 Special Condition 14 OP
 Special Condition 1A OP
 Description: Failure to maintain the temperature of the Regenerative Thermal Oxidizer (RTO)
 in the Waste Water Treatment Unit (WWTU) above 1400 F on April 14, 2013,
 from 1300 hours to 1500 hours.

5 Date: 11/26/2013 (1133465)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.4
 5C THSC Chapter 382 382.085(b)
 Description: Failure to prevent nuisance conditions.

F. Environmental audits:

Notice of Intent Date: 01/10/2008 (616179)
 Disclosure Date: 01/28/2009
 Viol. Classification: Moderate
 Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-1(a)
 Description: Failure to identify and monitor all new equipment added or incorporated into the LDAR program.
 Viol. Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 40 CFR Part 60, Subpart VV 60.482-6
 40 CFR Part 63, Subpart H 63.167
 Description: Failure to equip open-ended line with a cap, blind flange, or second valve.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)
Description: Failure to repair leaks within 15 days after detection, and make first attempt at repairs no later than 5 days.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(h)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(f)(2)
Description: Failure to develop a difficult-to-monitor valve monitoring plan.

Viol. Classification: Moderate
Citation: 40 CFR Part 60, Subpart VV 60.482-8
40 CFR Part 63, Subpart H 63.169
Description: Failure to monitor components in heavy liquid service using Method 21 within 5 days of detecting a leak by AVO methods.

Viol. Classification: Moderate
Citation: 40 CFR Part 60, Subpart VV 60.482-9
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(c)(5)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(c)(6)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(c)(7)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(c)(8)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(c)(9)
Description: Failure to repair or replace components during a process unit shutdown, and some delay and repair records were not consistently documented, including not identifying a DOR reason or not signing the DOR.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.485(b)
Description: Failure to properly use 40 CFR 60 Appendix A - Method 21 to identify leaking sources, valves, and pumps.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(e)
Description: Failure to maintain documentation of a signed list of no detectable emission equipment.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(c)
Description: Failure to include in the semiannual reports the number of non-repaired components or the facts explaining delay of repair for newly designed DOR components, or to report the data by the month.

Notice of Intent Date: 08/21/2009 (775707)
Disclosure Date: 09/08/2010
Viol. Classification: Moderate
Citation: 40 CFR Chapter 122, SubChapter D, PT 122, SubPT C 122.41(a)
Rqmt Prov: PERMIT TPDES Permit # 00309, Pg 20, Cond. 10
Description: Failure to notify the regulatory agency of azure blue dye use. Azure blue dye was being used to treat the tertiary treatment pond, to limit algae growth, without the permit required notifications to the regulatory agency. An initial notification of application was submitted on March 8, 2007 but no further notifications have been made. Dye application typically ends in the Fall, and resumes each Spring. Notifications were not made in 2008 or 2009.

Viol. Classification: Minor
Citation: 40 CFR Chapter 110, SubChapter D, PT 110 112.5(b)
Description: Failed to sign or date the SPCC Plan Form. Figure E-2 of the SPCC Plan contained an "Acknowledgement of SPCC Review" but the form was not signed or dated.

Viol. Classification: Major
Citation: 40 CFR Chapter 122, SubChapter D, PT 122, SubPT B 122.26
Rqmt Prov: PERMIT TPDES Permit # 00309, Condition 9
Description: Failed to implement a SWP3 plan for 7 demolition projects. These projects include the MEK Unit, Pump House #1, Decoker, 9 CO Boiler and Precipitator, 11 Boiler House, 11 Warehouse and the ISOM Unit. Field visits indicated that all the projects had been completed with the exception of the MEK Unit and Boiler House No. 11 projects which are in progress. An expansion project began in the 3rd Quarter, 2007 but no plan was implemented until November, 2008. A final plan was dated February 6, 2009

Notice of Intent Date: 02/18/2011 (905312)
No DOV Associated

Notice of Intent Date: 06/10/2011 (934095)
No DOV Associated

Notice of Intent Date: 01/19/2012 (988335)
No DOV Associated

Notice of Intent Date: 05/01/2012 (1014133)

No DOV Associated

Notice of Intent Date: 10/17/2012 (1058561)

Disclosure Date: 01/28/2013

Viol. Classification: Minor

Citation: 40 CFR Part 61, Subpart FF 61.356(f)(2)(i)(G)

Description: Failed to be able to locate a certification letter and corresponding design calculation for a carbon adsorption system commissioned on an oil water sump at RSU 1747.

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1574(f)

Description: Failed to have an operation, maintenance and monitoring plan for the bypass lines on SRU-54. The lines are HV-1806 for SRU-545 and HV-2682 for SRU-546.

Notice of Intent Date: 07/25/2013 (1105606)

No DOV Associated

G. Type of environmental management systems (EMSs):

1 ENVIRONMENTAL MANAGEMENT SYSTEM NON 30 TAC CH 90 CERTIFIED

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

Addendum to Compliance History Federal Enforcement Actions

Reg Entity Name: THE PREMCOR REFINING GROUP INC

Reg Entity Add: 1801 SOUTH GULFWAY DRIVE

Reg Entity City: PORT ARTHUR

Reg Entity No: RN102584026

Customer Name: The premcor Refining Group, Inc.

Customer No: CN601420748

EPA Case No: 06-2013-0905

Order Issue Date (yyyymmdd): 20130401

Case Result:

Statute: RCRA

Sect of Statute: 3013

Classification: Minor

Program: Solid Waste Managemen

Citation:

Violation Type:

Cite Sect:

Cite Part:

Enforcement Action: Administrative Compliance Order

Customer Name: Valero Energy Corporation

Customer No: CN600127468

EPA Case No: 06-2011-0975

Order Issue Date (yyyymmdd): 20111118

Case Result:

Statute: RCRA

Sect of Statute: 3013

Classification: Minor

Program: RCRA Corrective Action

Citation:

Violation Type:

Cite Sect:

Cite Part:

Enforcement Action: Administrative Compliance Orders

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
THE PREMCOR REFINING GROUP
INC.
RN102584026**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2013-2180-AIR-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding The Premcor Refining Group Inc. ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a petroleum refinery at 1801 Gulfway Drive in Port Arthur, Jefferson County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. During an investigation conducted on September 17, 2013, TCEQ staff documented that the Respondent failed to prevent unauthorized emissions. Specifically, 10,729.97 pounds ("lbs") of unauthorized volatile organic compounds ("VOC") were released from Tank 926 during an avoidable emissions event (Incident No. 184060) that began on June 12, 2013 and lasted 143 hours and 18 minutes. The event occurred due to the misrepresentation of the over flow level on the tank which led to the operator overfilling Tank 926. This caused damage to the tank's internal floating roof and the subsequent spill of 59 square barrels of sour naphtha into the tank's earthen secondary containment. The TCEQ determined that the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
4. During an investigation conducted on September 24, 2013, TCEQ staff documented that the Respondent failed to prevent unauthorized emissions. Specifically, 6,071.67 lbs of unauthorized carbon monoxide ("CO") were released from the Wet Gas Scrubber ("WGS"), Emissions Point Number E-01-WGS, during an avoidable emissions event (Incident No. 185219) that began on July 7, 2013 and lasted 16 hours. The event occurred during the start-up at the Fluidized Catalytic Cracking Unit ("FCCU") Regenerator, while adding torch oil to raise the regenerator bed temperature. Due to the extended use of torch oil and the failure to complete the required pre-startup steps, CO emissions limits were exceeded on the WGS. The TCEQ determined that the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
5. During an investigation conducted on September 24, 2013, TCEQ staff documented that the Respondent failed to prevent unauthorized emissions. Specifically, 321.5 lbs of unauthorized CO, 6.19 lbs of hydrogen sulfide, 8.45 lbs of nitrogen oxides, 1.70 lbs of particulate matter, 560.80 lbs of sulfur dioxide, and 1.23 lbs of VOC were released from the Shell Claus Off-Gas Treating Unit 1 and 2 Tail Gas Incinerators, during an emissions event (Incident No. 185192) that began on July 7, 2013 and lasted 7 hours. The event occurred due to the upset of the FCCU which inadvertently sent hydrocarbons to Sulfur Recovery Units 543 and 544. The TCEQ determined that the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
6. During an investigation conducted on September 24, 2013, TCEQ staff documented that the Respondent failed to report an emissions event within 24 hours of discovery. Specifically, Incident No. 185219 was discovered on July 7, 2013, at 4:00 a.m., and was not reported until July 8, 2013 at 2:19 p.m.

7. The Respondent received notices of the violations on November 18, 2013.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit ("FOP") No. O1498, Special Terms and Conditions ("STC") No. 18, and New Source Review Permit ("NSRP") Nos. 6825A, PSDTX49, and N65, Special Conditions ("SC") No. 1. Since this event could have been avoided by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
3. As evidenced by Findings of Fact No. 4, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O1498, STC No. 18, and NSRP Nos. 6825A, PSDTX49, and N65, SC No. 1. Since this event could have been avoided by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
4. As evidenced by Findings of Fact No. 5, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O1498, STC No. 18, and NSRP Nos. 6825A, PSDTX49, and N65, SC No. 1. Since this event could have been avoided by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
5. As evidenced by Findings of Fact No. 6, the Respondent failed to report an emissions event within 24 hours of discovery, in violation of 30 TEX. ADMIN. CODE § 101.201(a)(1) and TEX. HEALTH & SAFETY CODE § 385.085(b).
6. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
7. An administrative penalty in the amount of Thirty Thousand Five Hundred Dollars (\$30,500) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid Fifteen Thousand Two Hundred Fifty Dollars (\$15,250) of the administrative penalty. Fifteen Thousand Two Hundred Fifty Dollars (\$15,250) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Thirty Thousand Five Hundred Dollars (\$30,500) as set forth in Section II, Paragraph 7 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: The Premcor Refining Group Inc., Docket No. 2013-2180-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 7 above, Fifteen Thousand Two Hundred Fifty Dollars (\$15,250) of the assessed administrative penalty shall be offset with the condition that the SEP defined in Attachment A, incorporated herein by reference, is implemented by the Respondent. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Implement measures designed to ensure that emissions events are timely reported;
 - ii. Implement measures and/or procedures designed to prevent recurrences of emissions events due to similar causes as Incident Nos. 184060, 185219, and 185192; and
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Air Section Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1892

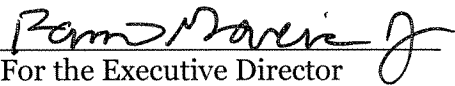
4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the

- Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
8. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
 9. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
 10. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
 11. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

7/7/14
Date

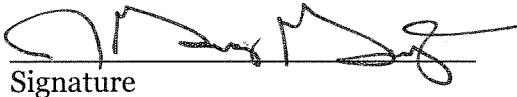
I, the undersigned, have read and understand the attached Agreed Order in the matter of The Premcor Refining Group Inc. I am authorized to agree to the attached Agreed Order on behalf of The Premcor Refining Group Inc., and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, The Premcor Refining Group Inc. waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

4/14/14
Date

J. Greg Gentry
Name (Printed or typed)
Authorized Representative of
The Premcor Refining Group Inc.

VP + General Manager
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2013-2180-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	The Premcor Refining Group Inc.
Penalty Amount:	Thirty Thousand Five Hundred Dollars (\$30,500)
SEP Offset Amount:	Fifteen Thousand Two Hundred Fifty Dollars (\$15,250)
Type of SEP:	Contribution to a Third-Party Administrator SEP
Third-Party Administrator:	Southeast Texas Regional Planning Commission
Project Name:	<i>West Port Arthur Home Energy Efficiency Program - Lighthouse Program</i>
Location of SEP:	Jefferson County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Southeast Texas Regional Planning Commission** for the *West Port Arthur Home Energy Efficiency Program - Lighthouse Program* Project. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to hire a contractor to conduct initial inspections of eligible applicants' homes. The inspections will determine whether the home is in a condition suitable for weatherization and energy efficiency upgrades. Upgrades will not be completed at homes that need new roofs or significant foundation work. The contractor shall also determine what weatherization and energy efficiency upgrades are necessary and appropriate for the home and write a work plan. This contractor shall also conduct the final inspection of the home after the work is completed.

The Third-Party Administrator will conduct eligibility determinations to verify that participants own their homes and qualify as low-income. The Third-Party Administrator will also prepare all contracts with contractors and homeowners; coordinate between the contractors and the homeowners to answer questions; ensure that work is done timely

The Premcor Refining Group Inc.
Agreed Order - Attachment A

and properly; and arrange for any necessary repairs to new equipment under the 12-month warranty period after work is completed. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

Implementation of this Project will benefit air by reducing residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter, volatile organic compounds, and the nitrogen oxides associated with the combustion of fuel and the generation of electricity. Past energy audits have shown a 12-30% reduction in energy usages after completion of the weatherization and energy upgrades.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Southeast Texas Regional Planning Commission SEP** and shall mail the contribution with a copy of the Agreed Order to:

Southeast Texas Regional Planning Commission
Attention: Pamela Lewis, Program Manager
2210 Eastex Freeway
Beaumont, Texas 77703

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality;" and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

The Premcor Refining Group Inc.
Agreed Order - Attachment A

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.